

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RYAN RAINFORD,
Defendant.

18-Cr-289 (SHS)

MEMORANDUM ORDER

SIDNEY H. STEIN, U.S. District Judge.

In October 2020, this Court denied defendant Ryan Rainford's motion for a sentence reduction pursuant to the compassionate release statute, 18 U.S.C. § 3582(c)(1)(A) (ECF No. 323), and in December, this Court denied his renewed motion for compassionate release (ECF No. 327). Rainford now brings a third compassionate release motion, citing "significantly changed circumstances." (Def.'s Mot. at 1, ECF No. 338.) Defendant represents that his chronic venous insufficiency "has worsened in recent months," and that his condition has not been adequately treated at FCI Fort Dix. (*Id.* at 2.) He alleges that the "daily and deadly threat" posed to him by the COVID-19 pandemic thus constitutes an "extraordinary and compelling" reason warranting a sentence reduction. (*Id.*)

It is true that Fort Dix has struggled to contain the spread of the coronavirus for much of the last year. With the current widespread availability of vaccinations, however, these numbers are coming under control: the Bureau of Prisons ("BOP") currently reports only two active inmate cases of COVID-19 at Fort Dix. *See COVID-19 Cases*, Fed. Bureau Prisons, <https://www.bop.gov/coronavirus/> (last updated May 10, 2021). In addition, the government represents that Rainford has twice refused a COVID-19 vaccine. (Gov't Resp. at 7, ECF No. 341.) Although the Court is not directing defendant to be vaccinated, the scientific evidence to date demonstrates that vaccination virtually eliminates the risks of severe illness or death associated with contracting COVID-19. *See Benefits of Getting a COVID-19 Vaccine*, Ctr. for Disease Control & Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html> (last updated Apr. 12, 2021).

Regardless of defendant's personal position on vaccination, the Court finds that Rainford does not merit a sentence reduction under the section 3553(a) factors. Rainford is 31 years old, and the CDC does not identify chronic venous insufficiency as a condition that may lead to more severe illness from COVID-19. *See People with Certain Medical Conditions*, Ctrs. for Disease Control & Prevention,

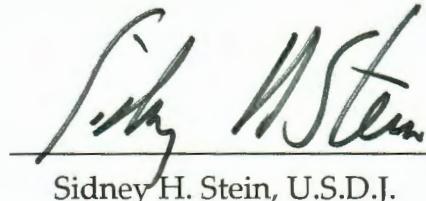
<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last updated Apr. 29, 2021). Moreover, as the Court has noted upon each of Rainford's previous motions, the section 3553(a) factors "weigh heavily against a sentence reduction here." (ECF Nos. 323, 327.) Rainford's conduct as a recruiter and manager of massive trip-and-fall schemes operating in New York City was serious. (Presentence Investigation Report ¶ 17.) Defendant participated in defrauding numerous business owners and insurance companies, and he did so by preying on the needy, recruiting indigent "patients" to stage falls and then undergo medically unnecessary procedures in order for him and his co-defendants to profit off the "patients'" ensuing fraudulent claims. (*Id.* ¶ 21.) This Court sentenced Rainford to 68 months' incarceration, a substantial downward variance from his Sentencing Guidelines range of 168 to 210 months. (See Sentencing Tr. at 19:13-14, ECF No. 19.) Rainford has served just 15 months—approximately 22 percent—of his sentence. Reducing Rainford's sentence under the compassionate release statute would fail to "reflect the seriousness of the offense," provide "just punishment," or "afford adequate deterrence." 18 U.S.C. § 3553(a)(2)(A)-(B).¹

Accordingly, IT IS HEREBY ORDERED that defendant's motion for compassionate release is denied. The Clerk of Court is directed to mail a copy of this Order to Mr. Ryan Rainford [85592-054], FCI Fort Dix, Federal Correctional Institution, P.O. Box 2000, Joint Base MDL, NJ 08640, and note the mailing on ECF.

Dated: New York, New York

May 11, 2021

SO ORDERED:

A handwritten signature in black ink, appearing to read "Sidney H. Stein". The signature is fluid and cursive, with "Sidney" on the left and "H. Stein" on the right, separated by a short horizontal line.

Sidney H. Stein, U.S.D.J.

¹ The government argues, as well, that Rainford has failed to exhaust his administrative remedies with regard to this motion. (See Gov't Mot. at 6-7.) Because Rainford does not merit a sentence reduction in any event, the Court does not reach this issue.